

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings includes changes to Fig. 1 and 1A. These sheets, which includes Figs. 1-1A, replaces the original sheets including Figs. 1-1A. In Figs 1 and 1A they have been textually labeled.

Attachments: Replacement Sheets (2)

Annotated Sheets Showing Changes (2)

Remarks

In the outstanding Office Action, claims 1-6, 10-12 and 16-19 were rejected under 35 U.S.C. § 102(a) and claims 7-9, 13-15 and 20 were rejected under 35 U.S.C. § 103(a).

In response, the Applicants amend claims 1, 3, 7-9, 13 and 16. Claims 1-20 are pending. No new matter has been added by these amendments. In view of the amendments and the following remarks, the Applicants respectfully request reconsideration and allowance of the pending claims.

Rejection Under 35 U.S.C. § 102

Claims 1-6, 10-12 and 16-19 were rejected under 35 U.S.C. § 102(a) as being anticipated by Comair et al. (U.S. Pub. No. 2003/0037664). Applicant respectfully disagrees.

A rejection under § 102 requires that each and every limitation of the claimed invention be disclosed in a single prior art reference. In other words, there must be no difference between the claimed invention and the prior art reference disclosure as viewed by a person of ordinary skill in the art.

Claim 1 is Not Anticipated by Comair

Claim 1, as amended, is directed to an interactive music apparatus. The apparatus of claim 1 includes first and second output signals “directly related to the actuation by the user” and further includes a visual component “configured to receive the second output signal and perform an action based on the second output signal, wherein the action provides information about the sound.”

Comair, in contrast, fails to teach or suggest first and second output signals directly related to the actuation by the user. Rather, Comair discloses a dynamic music composition video game system which uses “individually composed musical compositions.” (*Comair, Abstract*). “Different game players ... will experience different dynamically-generated overall musical compositions.” (*Comair, p. 1, para. [0010]*). Comair does not teach or suggest output signals directly related to the actuation by the user. Rather, the player’s input effects one or more interactivity parameters, which in turn determine when transitions between songs will happen. (*Comair, p. 5, paras. [0069]-[0075]*). Thus, the player’s input merely indirectly affects the songs produced by Comair, and even then, only when certain states of the interactivity parameters are obtained. Thus, Comair fails to teach or suggest the invention of claim 1.

Further, Comair fails to teach or suggest a visual component “configured to receive the second output signal and perform an action based on the second output signal, wherein the action provides information about the sound.” In contrast, Comair discloses a dynamic music composition video game system, wherein the user’s input controls what is displayed visually, but not what is heard. (*Comair*, p. 4, paras. [0038], [0041]-[0042]). More specifically, the dynamically created music is controlled by the visual events displayed or the game intensity as experienced by the user through the visual display. (*Comair*, p. 5, paras. [0069]-[0075]). Nothing in Comair relates to a visual component configured to perform an action based on the second output signal, wherein the action provides information about the sound. That is, the action in Comair does not provide information about the sound. Thus, Comair fails to teach or suggest the invention of claim 1. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims Depending from Claim 1 Are Not Anticipated by Comair

Claims 2-6 and 10-12, which depend directly or indirectly from claim 1, incorporate all the limitations of claim 1 and are, therefore, also not anticipated by Comair.

Claims 16-19 Are Not Anticipated by Comair

For substantially the same reasons, Comair does not contain each and every limitation of independent claim 16. Thus, claim 16 is not anticipated by Comair. Claims 17-19 depending directly from claim 16 include further limitations and are, therefore, also not anticipated by Comair.

Thus, reconsideration and withdrawal of the anticipation rejections of pending claims 1-6, 10-12 and 16-19 based on Comair are respectfully requested.

Rejection under 35 U.S.C. § 103

Claims 7 and 8 Are Not Made Obvious by Comair in view of Georges

Claims 7 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Comair et al. in view of Georges et al. (2004/0089142). Applicant respectfully disagrees.

As noted above, claim 1, from which claims 7 and 8 depend, is directed to an interactive music apparatus having first and second output signals “directly related to the actuation by the user” and further includes a visual component “configured to receive the second output signal and perform an action based on the second output signal, wherein the action provides information about the sound.”

Neither Comair nor Georges, alone or in combination, teach or suggest the invention of claim 1. As discussed above, Comair fails to teach or suggest first and second output signals directly related to the actuation by the user. Rather, in Comair, the player's input merely indirectly affects the songs produced by Comair, and even then, only when certain states of the interactivity parameters are obtained.

Further, Comair fails to teach or suggest a visual component "configured to receive the second output signal and perform an action based on the second output signal, wherein the action provides information about the sound." Rather, Comair discloses a dynamic music composition video game system, wherein the user's input controls what is displayed visually, but not what is heard. (*Comair*, p. 4, paras. [0038], [0041]-[0042]). Thus, the action in Comair does not provide information about the sound. As such, Comair fails to teach or suggest the invention of claim 1.

Georges fails to remedy the deficiencies of Comair. Georges discloses a system for creating, modifying, interacting with and playing music. Georges does not teach or suggest an interactive music apparatus having first and second output signals "directly related to the actuation by the user" and further includes a visual component "configured to receive the second output signal and perform an action based on the second output signal, wherein the action provides information about the sound."

In fact, Georges fails to teach or suggest an apparatus wherein the visual component comprises a display monitor and the action further comprises displaying a keyboard or music staff on the display monitor as suggested by the Examiner. The Applicants respectfully point the Examiner to Georges paragraphs [0174] and [0179]-[0186], which describe figures 18 and 21 in detail. Figures 18 and 21 are illustrations including a keyboard and a music staff, respectively. These illustrations are used merely to describe the algorithms used in the Georges device. These illustrations are not displayed on the display monitor.

Thus, for at least these reasons, neither Comair nor Georges, alone or in combination, teach or suggest the invention of claim 1 or of dependent claims 7 or 8. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the obviousness rejections of pending claims 7 and 8.

Claims 9, 13-15 and 20 Are Not Made Obvious by Comair in view of Airaudi

Claims 9, 13-15 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Comair in view of Airaudi et al. (6,743,164). Applicant respectfully disagrees.

Claims 1 and 9 Are Not Made Obvious by Comair in view of Airaudi

As noted above, claim 1, from which claim 9 depends, is directed to an interactive music apparatus having first and second output signals “directly related to the actuation by the user” and further includes a visual component “configured to receive the second output signal and perform an action based on the second output signal, wherein the action provides information about the sound.”

Neither Comair nor Airaudi, alone or in combination, teach or suggest the invention of claim 1. As discussed above, Comair fails to teach or suggest first and second output signals directly related to the actuation by the user. Rather, in Comair, the player’s input merely indirectly affects the songs produced by Comair, and even then, only when certain states of the interactivity parameters are obtained. Further, Comair fails to teach or suggest a visual component “configured to receive the second output signal and perform an action based on the second output signal, wherein the action provides information about the sound.” Rather, Comair discloses a dynamic music composition video game system, wherein the user’s input controls what is displayed visually, but not what is heard. (*Comair*, p. 4, paras. [0038], [0041]-[0042]). Thus, the action in Comair does not provide information about the sound. As such, Comair fails to teach or suggest the invention of claim 1.

Airaudi fails to remedy the deficiencies of Comair. Airaudi discloses an electronic device to detect and generate music from biological microvariations in a living organism. Airaudi does not teach or suggest an interactive music apparatus having first and second output signals “directly related to the actuation by the user” and further includes a visual component “configured to receive the second output signal and perform an action based on the second output signal, wherein the action provides information about the sound.”

Thus, for at least these reasons, neither Comair nor Airaudi, alone or in combination, teach or suggest the invention of claim 1 or of dependent claim 9. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of pending claim 9.

Claims 13-15 Are Not Made Obvious by Comair in view of Airaudi

Claim 13, from which claims 14-15 depend, is directed to an interactive music apparatus having first, second, third, and fourth output signals “directly related to the actuation by the user” and further includes at least one light “configured to provide information about the sound.”

Neither Comair nor Airaudi, alone or in combination, teach or suggest the invention of claim 1. As discussed above, Comair fails to teach or suggest output signals directly related to the actuation by the user. Rather, in Comair, the player’s input merely indirectly affects the songs produced by Comair, and even then, only when certain states of the interactivity parameters are obtained. Further, Comair fails to teach or suggest at least one light “configured to provide information about the sound.” Rather, Comair discloses a dynamic music composition video game system, wherein the user’s input controls what is displayed visually, but not what is heard. (*Comair*, p. 4, paras. [0038], [0041]-[0042]). Thus, the action in Comair does not provide information about the sound. As such, Comair fails to teach or suggest the invention of claim 13.

Airaudi fails to remedy the deficiencies of Comair. Airaudi discloses an electronic device to detect and generate music from biological microvariations in a living organism. Airaudi does not teach or suggest an interactive music apparatus having output signals “directly related to the actuation by the user” and further includes at least one light “configured to provide information about the sound.”

Thus, for at least these reasons, neither Comair nor Airaudi, alone or in combination, teach or suggest the invention of claim 13 or of dependent claims 14-15. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of pending claims 13-15.

Claims 16 and 20 Are Not Made Obvious by Comair in view of Airaudi

Claim 16 from which claim 20 depends, is directed to a method of music performance and composition including first and second output signals “directly related to the actuating transmission of the signal” and further including “performing an action at an output component based on the second output signal, wherein the action provides information about the sound.”

Neither Comair nor Airaudi, alone or in combination, teach or suggest the invention of claim 16. As discussed above, Comair fails to teach or suggest first and second output signals directly related to the actuating transmission of the signal. Rather, in Comair, the player’s input

merely indirectly affects the songs produced by Comair, and even then, only when certain states of the interactivity parameters are obtained. Further, Comair fails to teach or suggest “performing an action at an output component based on the second output signal, wherein the action provides information about the sound.” Rather, Comair discloses a dynamic music composition video game system, wherein the user’s input controls what is displayed visually, but not what is heard. (*Comair*, p. 4, paras. [0038], [0041]-[0042]). Thus, the action in Comair does not provide information about the sound. As such, Comair fails to teach or suggest the invention of claim 16.

Airaudi fails to remedy the deficiencies of Comair. Airaudi discloses an electronic device to detect and generate music from biological microvariations in a living organism. Airaudi does not teach or suggest a method of music performance and composition including first and second output signals “directly related to the actuating transmission of the signal” and further including “performing an action at an output component based on the second output signal, wherein the action provides information about the sound.”

Thus, for at least these reasons, neither Comair nor Airaudi, alone or in combination, teach or suggest the invention of claim 16 or of dependent claim 20. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of pending claim 20.

Conclusion

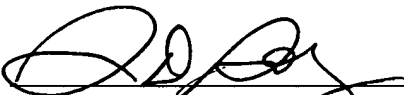
No additional claim fees should be generated by this paper. However, the Commissioner is hereby authorized to charge any fee deficiency associated with this paper to Deposit Account No. 04-1420.

This application now stands in allowable form and reconsideration and allowance is respectfully requested.

Respectfully submitted,

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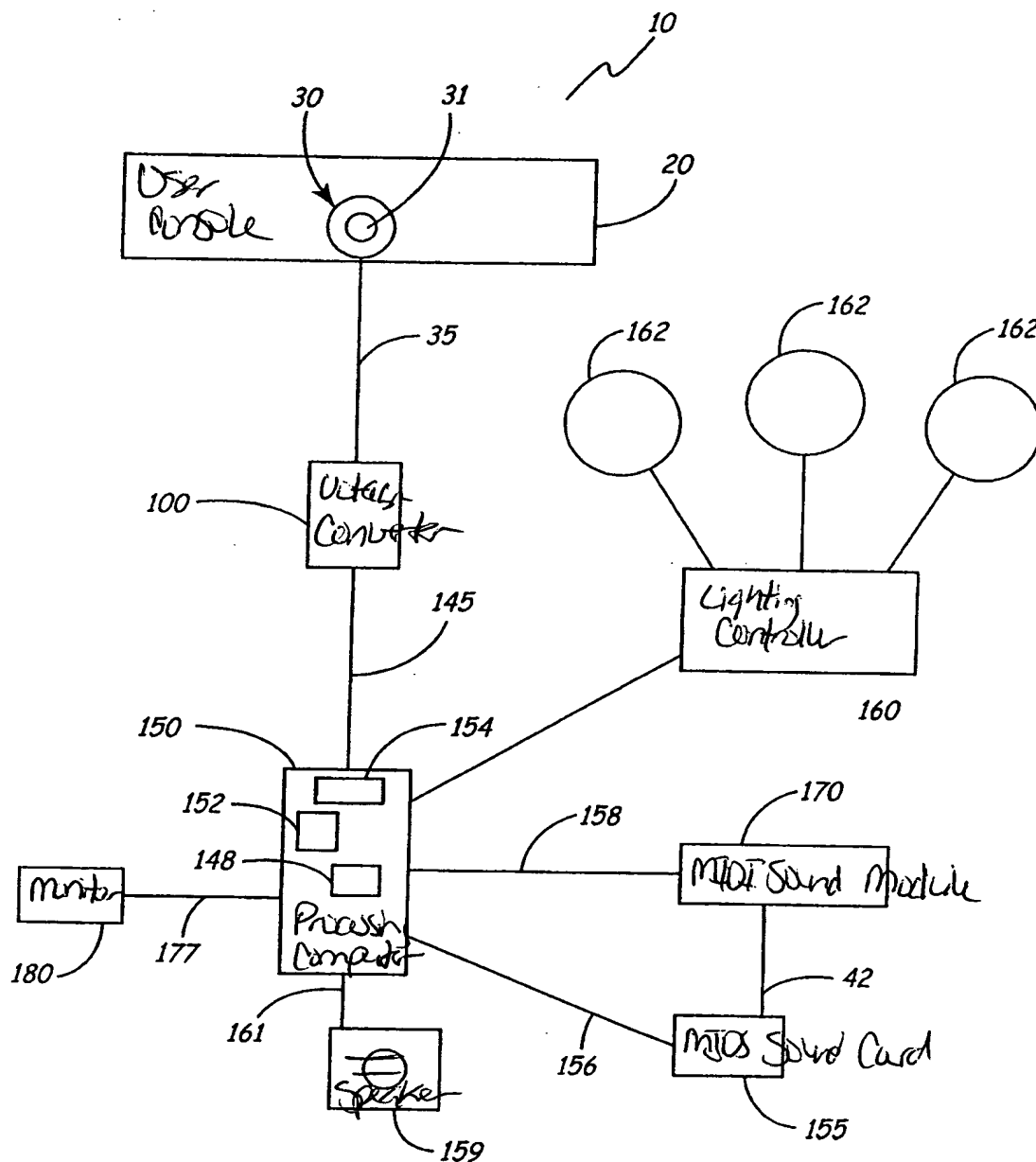


FIG. 1

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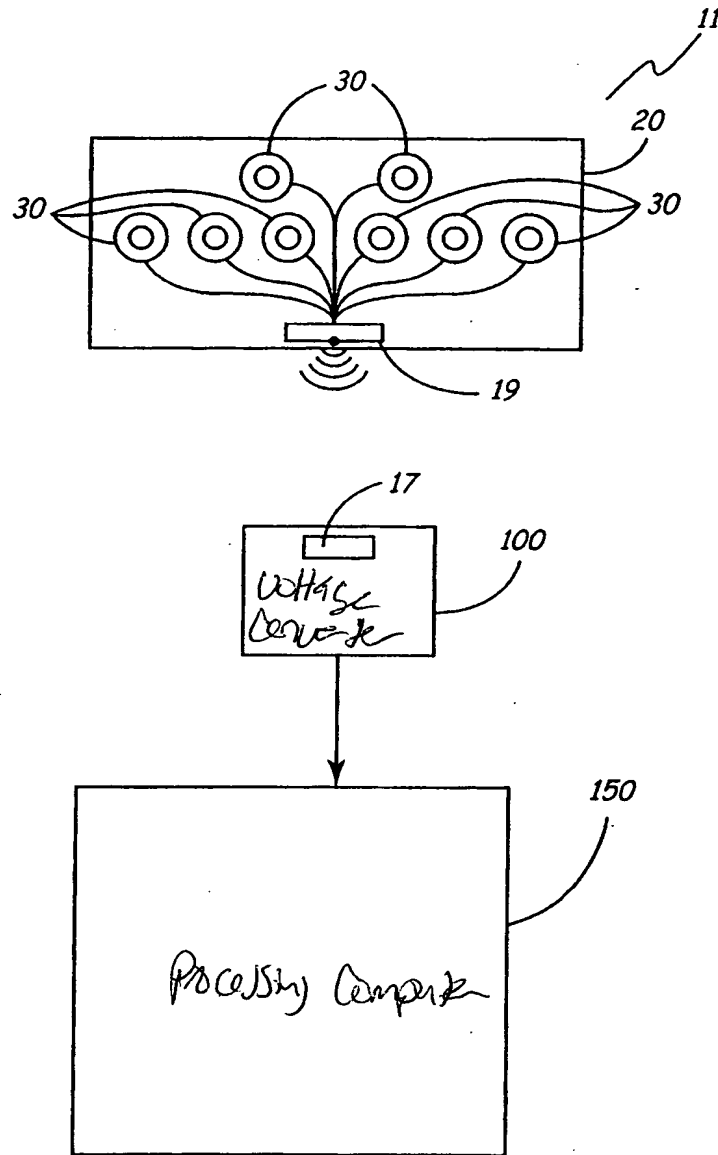


FIG. 1A